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ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Roman S. Ferber et al.

Serial No.: 09/833,401

Filed: April 11, 2001

For: AIR BUBBLE MASSAGE BATH MAT SYSTEM

Attorney Docket No.: HOME 0459 PUS

Group Art Unit: 3764

Examiner: B. Koo

8-21

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DECLARATION UNDER 37 C.F.R. § 1.131

We, ROMAN S. FERBER and STEPHEN CHUNG, being duly sworn declare and say that:

1. We, ROMAN S. FERBER and STEPHEN CHUNG are the Applicants in the above-referenced patent application Serial No. 09/833,401 and we are completely familiar with the contents of the application and submission to Underwriters Laboratory.

2. During the time we made the invention described in the subject application, and at the time application Serial No. 09/833,401, was executed we were employed by HoMedics, Inc. and assigned the patent to HoMedics, Inc.

3. The invention described and claimed in the above-referenced application Serial No. 09/833,401 was reduced to practice prior to August 25, 2000, the filing date of United States Design Patent No. D447,243, that is also prior to December 14, 2000, the filing date of United States Patent No. 6,357,061.

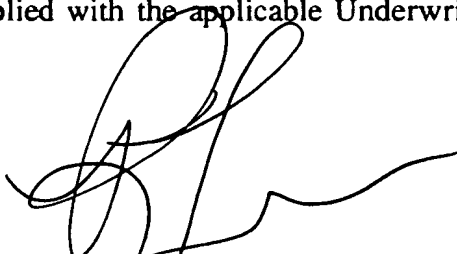
4. As proof of these facts, there is annexed hereto as Exhibit A, a copy of a notice of Completion of Investigation and Authorization to Apply the UL Marks.

5. With the exception of the masked-out portions containing dates, the attached copy of the afore-mentioned document is known to be a true copy thereof.

6. Exhibit A is a copy of the Notice of Completion of Investigation and Authorization to Apply UL Marks from Underwriters Laboratory. The Notice was created prior to August 25, 2000. The Notice is based upon tests conducted on the message bath mat system and states that the invention complied with the applicable Underwriters Laboratory requirements.

Date: August 1, 2002

Date: July 29, 2002



ROMAN S. FERBER

STEPHEN CHUNG

Underwriters Laboratories Inc.
12 Laboratory Drive
Research Triangle Park, NC 27709

Brian D. Burgess
Engineering Services

**UNDERWRITERS LABORATORIES INC.
FACSIMILE COVER SHEET**

TO: NKL Investment Lead Honour
1144 N. Plano Rd, #220
Richardson, TX 75081

FAX: (601) 543-0246
(601) 543-0376

ATTENTION: Mr. Dave Vanderlin

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 23

IF YOU DO NOT RECEIVE A COMPLETE TRANSMISSION, PLEASE CONTACT ME
AT (919) 549-1484.

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(919) 549-1400
FAX No. (919) 547-8000
<http://www.ul.com>

**NOTICE OF COMPLETION OF INVESTIGATION AND
AUTHORIZATION TO APPLY THE UL MARKS**

TO: NKL Investment Lead Honour
1144 N. Plano Road, #220
Richardson, TX 75081

Attention: Ms. Nancy Kang

Our Reference: UL File E204191, Project 00RT06778

Subject: Early Authorization for BubbleSpa Deluxe Bathmat, BMAT-2.

Dear Ms. Kang,

UL's investigation of your product has been completed under the above project number and the subject product was determined to comply with the applicable requirements.

This letter temporarily supplements the UL Follow-Up Services Procedure and serves as authorization to apply the UL Listing Mark only at the factory under UL's Follow-Up Service Program to the subjects which are constructed as described below:

Similar to products covered in the UL Follow-Up Services Inspection Procedure File E204191, Volume 1, Section 1. See attached revised pages.

To provide the manufacturer with the intended authorization to use the UL Mark, the addressee must send a copy of this Notice and all attached material to each manufacturing location as (currently authorized in File E204191, Volume 1).

This authorization is effective for 90 days from the date of this Notice and only for products at the indicated manufacturing locations. Records in the Follow-Up Services Procedure covering the product are now being prepared and will be sent to the indicated manufacturing locations in the near future. Please note that Follow-Up Services Procedures are sent to the manufacturers only unless the Applicant specifically requests this document.

Products which bear the UL Mark shall be identical to those which were evaluated by UL and found to comply with UL's requirements. If changes in construction are discovered, authorization to use the UL Mark may be withdrawn and products that bear the UL Mark may have to be revised (in the field or at the manufacturer's facility) to bring them into compliance with UL's requirements.

Sincerely,

Brian D. Burgess
Engineer
Conformity Assessment Services
Ph: 919-549-1484
Email: Brian.D.Burgess@us.ul.com

Reviewed by:

Pamela K. Gwynn
Engineering Team Leader
Conformity Assessment Services
Ph: 919-549-1697
Email: Pamela.K.Gwynn@us.ul.com

UL is an independent organization
dedicated to public safety and
committed to quality service

DESCRIPTION

PRODUCT COVERED:

USL - Hydromassage Unit: BubbleSpa Deluxe Bath Mat, model SMAT-2.

ELECTRICAL RATING:

120 Vac, 550 W, 60 Hz.

ENGINEERING CONSIDERATIONS (NOT FOR UL REPRESENTATIVE'S USE):

USL indicates the products comply with the Standard for Personal Hygienic and Health Care Appliances, UL 1431, Second edition. The investigation did not cover the physiological or therapeutic effects, beneficial or otherwise.

This equipment is intended for household use and is intended to provide a bubble Bath massage for bathtubs.

CONSTRUCTION DETAILS:

General: For construction details, reference should be made to the following photographs and associated descriptive indices. All dimensions are approximate unless specified as being maximum or minimum.

Corrosion Protection: All ferrous metal parts are protected from corrosion by painting, plating, or equivalent means.

Marking: May be silk-screened, die stamped, or PBDQ2, suitable for intended surface, rated min. 60°C. Listee's name or File Number, model number, electrical ratings, "Caution: Risk of Electric Shock, Do Not Remove Cover. Refer to qualified service personnel.", date code consisting of "MMYY", where "MM" is the month of manufacture and "YY" is the year of manufacture, and "Double Insulation - When servicing, use only identical replacement parts."

Spacings: Minimum 1/16 in. Spacings are maintained through air and over surface between all current-carrying and dead-metal parts, and between current-carrying parts of opposite polarity. *Double insulation obtained ~~from~~ through.*

Electrical Connections - Except where noted, internal wiring terminates in PCBT2 connectors.

Solder Connections - All solder connections are made mechanically secure before soldering.

Internal Wiring - Except where noted, all internal wiring is AVLV2, rated 300 Vac, 80°C. All wiring is routed away from sharp edges and/or moving parts with ZONZ2, cable ties.

Use and Care Instructions: Instructions in accordance with the Standard, and as shown in Ill. 1, are to be provided with each unit.

*... spacings, as described above,
on ~~printed wiring board~~ and the thickness
of the plastic enclosure.*

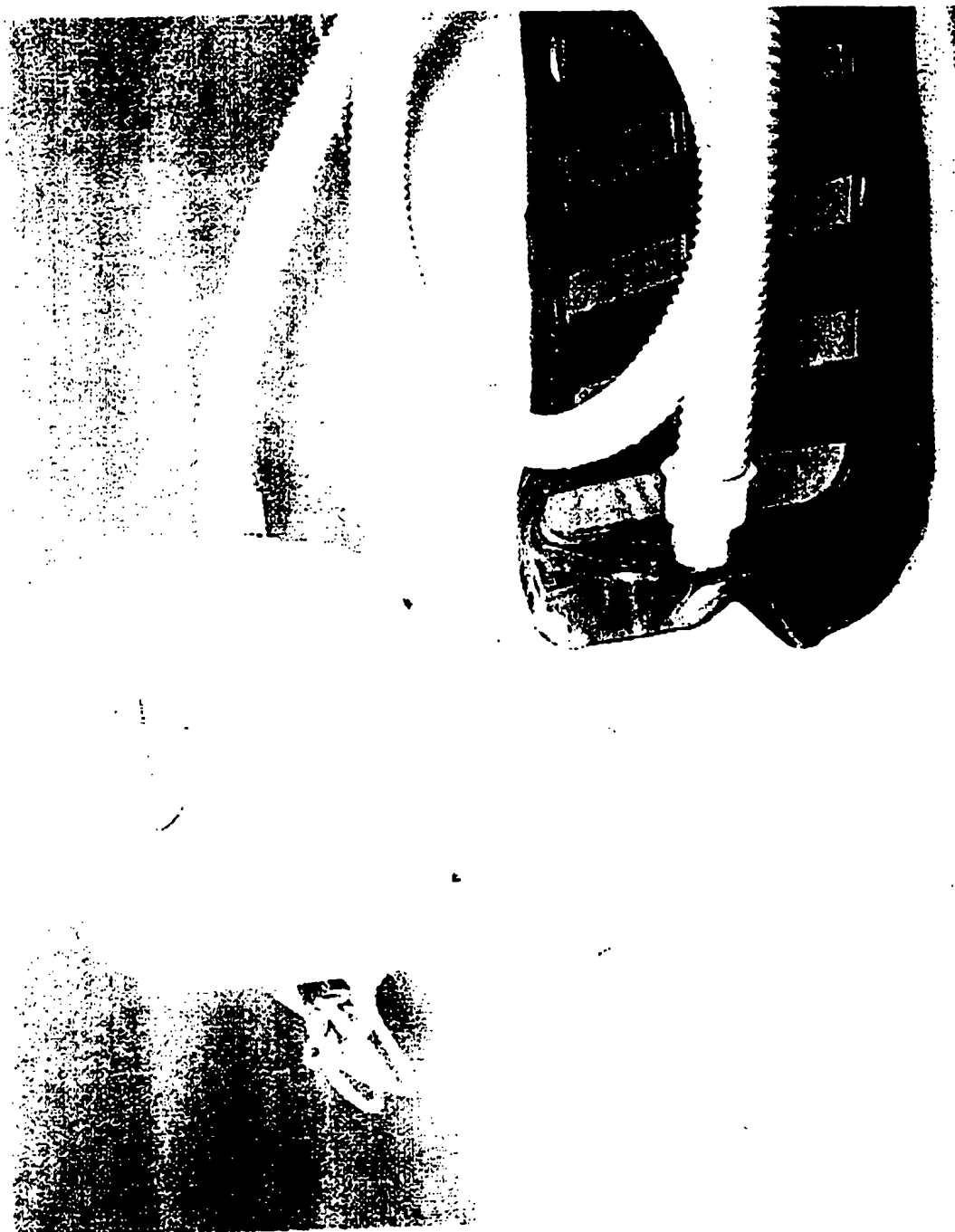
Model BMAT-2, Overall System	-	Fig. 1 (R00-38803)
Model BMAT-2, Internal View	-	Fig. 2 (R00-38807)
Model BMAT-2, Motor Enclosure	-	Fig. 3 (R00-38802)
Model BMAT-2, Internal Components	-	Fig. 4 (R00-38806)
Model BMAT-2, Printed Wiring Boards	-	Fig. 5 (R00-38804)
Model BMAT-2, PWB Placement	-	Fig. 6 (R00-38805)

1. Top Enclosure - QMF22, Grand Pacific Petrochemical Corp., type D-1200. Rated 94V-0, minimum thickness 3.2 mm. Secured to bottom half of enclosure with screws.
2. Handle - QMF22, Grand Pacific Petrochemical Corp., type D-1200. Rated 94V-0, minimum thickness 2.6 mm. Two piece molded handle secured to top enclosure with screws.
3. Bottom Enclosure - QMF22, Grand Pacific Petrochemical Corp., type D-1200. Rated 94V-0, minimum thickness 3.2 mm. Overall enclosure measures 318 mm by 190 mm by 204 mm. Two vent openings in bottom of enclosure. Each vent consists of 3 slots, 2.7 mm wide, 2 of which are 10 mm long and one is 10 mm long. Each vent located 89 mm from center of enclosure and centered across the width of the enclosure.
3. Control Panel plate - QMF22, Grand Pacific Petrochemical Corp., type D-1200. Rated 94V-0. Measures 67 mm by 128 mm with a minimum thickness 2.5 mm. Used to separate overlay from buttons. Snap fit into top enclosure opening. See Fig. 6 for details. *Overlay - QMF22 General Electric Co. Type 8B35, min. thickness 0.19 mm. Secured to plate with PGGU2, 3M. Type Scotch #467.*
4. Power Supply Cord - Listed, 3JT 20-18 AWG terminating in molded-on, polarized, parallel blade plug rated 125 Vac, 10 A.
5. Strain Relief Bushing - Integral PVC bushing molded on power supply cord with cord guard. Flange inside enclosure measures 20 mm by 11.6 mm. Suitable for enclosure thickness of min. 3.2 mm. Groove width for plate is 1.5 mm. Flange on outside of enclosure measures 25.3 mm by 15.7 mm.
6. Strain Relief plate - QMF22, Grand Pacific Petrochemical Corp., type D-1200. Rated 94V-0. Plate contains strain relief bushing with two screws securing it to lower enclosure. Plate shaped like an "L", measures 40 mm wide, 27 mm high and 1.9 mm thick. The short portion of the "L", measures 40 mm wide by 15 mm long and 2.5 mm thick. Slot cut into plate 9.5 mm by 23 mm.

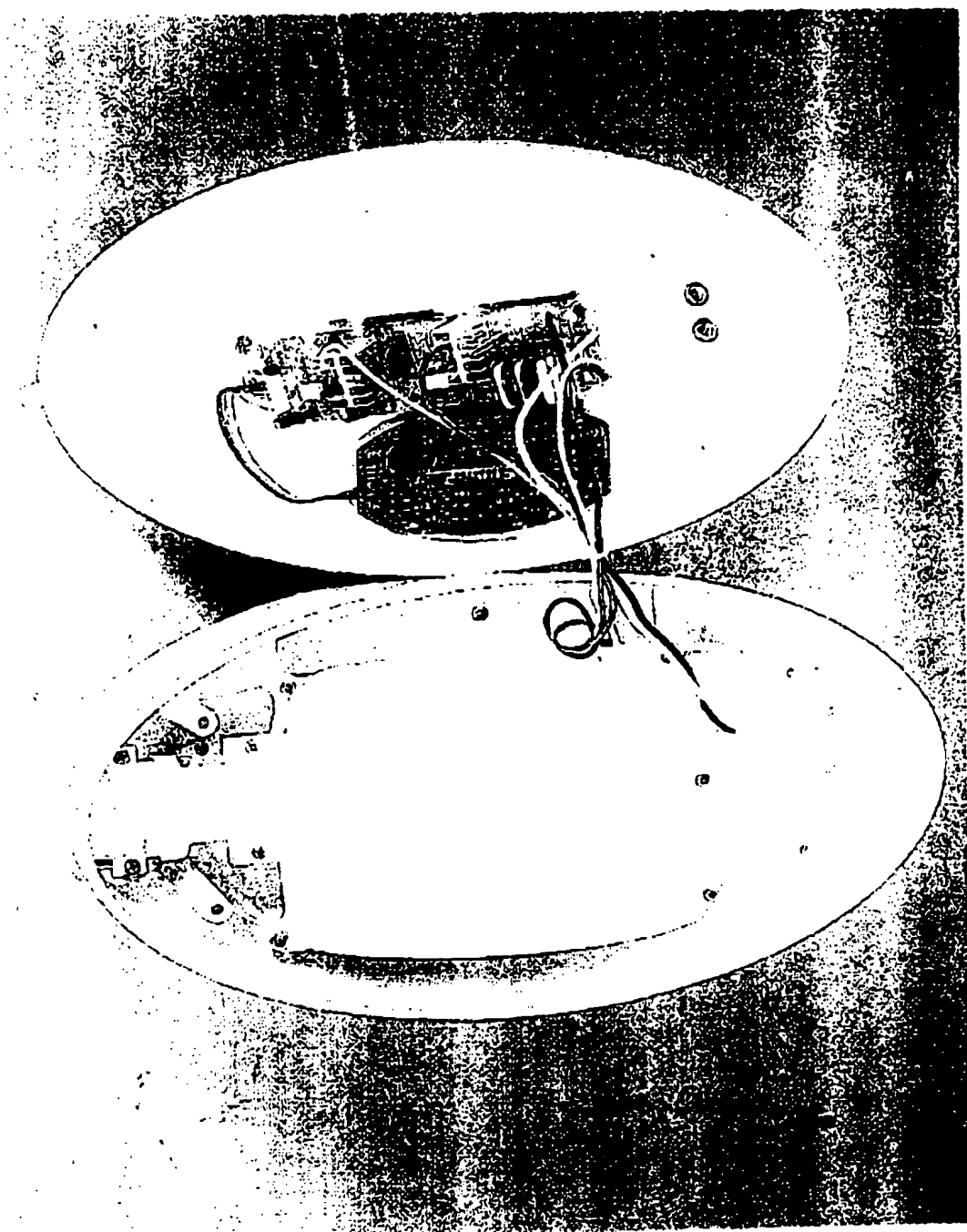
7. Air Hose - QMFZ2, Grand Pacific Petrochemical Corp., type D-1200. Rated 94HB. Used for hose ends which are secured with glue to nylon hose. Overall length of hose 2.4 m.
8. Remote Control Enclosure - QMFZ2, Grand Pacific Petrochemical Corp., type D-1200. Rated 94V-0. Minimum thickness 2.1 mm. Unit measures 30 mm by 120 mm by 14 mm. Battery compartment secured with screw plate.
9. Printed Wiring Boards - ZPMV2, Minimum thickness 1.6 mm. Rated 94V-0, 135°C. Main printed wiring board mounted in center of upper enclosure. See Fig. 2 for more detail.
10. Heater Compartment - QMFZ2, Nan Ya Plastics Corp., type 40303. Minimum thickness 1.5 mm. Rated 94V-0. Heater tube fits inside compartment and also press fits onto valve housing.
11. Valve Housing - QMFZ2, Nan Ya Plastics Corp., type 140303. Minimum thickness 1.1 mm. Rated 94V-0. Secured to bottom enclosure stand-offs with screws.
12. Valve - QMFZ2, Nan Ya Plastics Corp., type 140303. Minimum thickness 1.9 mm. Rated 94V-0. Valve uses spring tension to close.
13. Decorator Ring - QMFZ2, Grand Pacific Petrochemical Corp., type D-1200. Rated 94HB. Minimum thickness 1.5 mm. Snap fits onto enclosure opening at hose connector.
14. Valve Connector Seal, ~~Optional~~, Rubber used to seal all gap around connector. Measures 2.8 mm thick.
15. Heater Tube - Steel, 0.4 mm thick, 28.7 mm diameter by 53 mm long. Provided with QMFZ2, Shenzhen Mica Electric Material Ltd., Type HP5, rated 94V-0, minimum 0.17 m thick liner covering interior of tube.
16. Heater Securement Film - QMFZ2, General Electric Co., Type SE-6140 or SE-6160. Measures 10 mm by 30 mm by minimum 2.1 mm thick. Rated 94HB. Clamped between heater and plastic enclosure to keep heater stationary.
17. Heater Element Support - QMFZ2, Shenzhen Mica Electric Material Ltd., Type HP5, 0.8 mm thick. Two piece construction, shaped as shown in Figure 4. Each measuring 24.5 mm wide by 52 mm long, secured to tube by physical fit.

18. Heating Element - Nichrome resistant coil 0.2 mm in diameter, wrapped around heating element support. The heating element leads are terminated by wrapped around brass rivets and crimped.
19. Thermal Wire - AVLVI, single 18 AWG conductor with silicone rubber insulation and glass braid covering. Rated 300 Vac, 150°C.
20. Thermostat - XAPX2, Texas Instruments Holland BV, Type MA13-AA-01-2 with stamped on tolerance code "93". Secured to heating element support by rivits. Nominal opening temperature 80°C.
21. Thermal Cutoff - XCMQ2, Matsushita Electrical Co. Ltd., Type N124. Rated 250 Vac, 3 A. Functioning temperature 130°C. Secured inline, with rivits, between heater supply conductor and thermostat.
22. Blower Motor Enclosure - QMF22, Nan Ya Plastics Corp., Type 1403G3. Minimum thickness 2.3 mm. Rated 94V-0. Enclosure measures 152 mm diameter by 132 mm tall. Secured to bottom enclosure with multiple screws.
23. Bushing - Rubber material. Used to route wires through motor enclosure housing.
24. Motor Mounting Pads - Rubber material used for motor mounts and vibration suppression. Contained within motor enclosure.
25. Motor Assembly- XEWR3, Unlisted Component Motor Protective Device, Type TS-12035, see file E210095(Sp), Vol.1, Sec.1. Secured within motor enclosure by physical fit.
26. Fuse - Listed, Rated 125 Vac, 8 A. Located in primary circuit.
27. Fuse - Listed, Rated 250 Vac, 1 A. Located in isolated secondary circuit
28. Transformer - FQGS, Hon Kwang Electric Co Ltd, Model EI-28P-0001. Rated 120 Vac, 60 Hz.
29. Triac BT11 - QQX2 Rated 600 V, 4 A.
30. Triac BT12 - QQX2. Rated 600 V, 12 A.

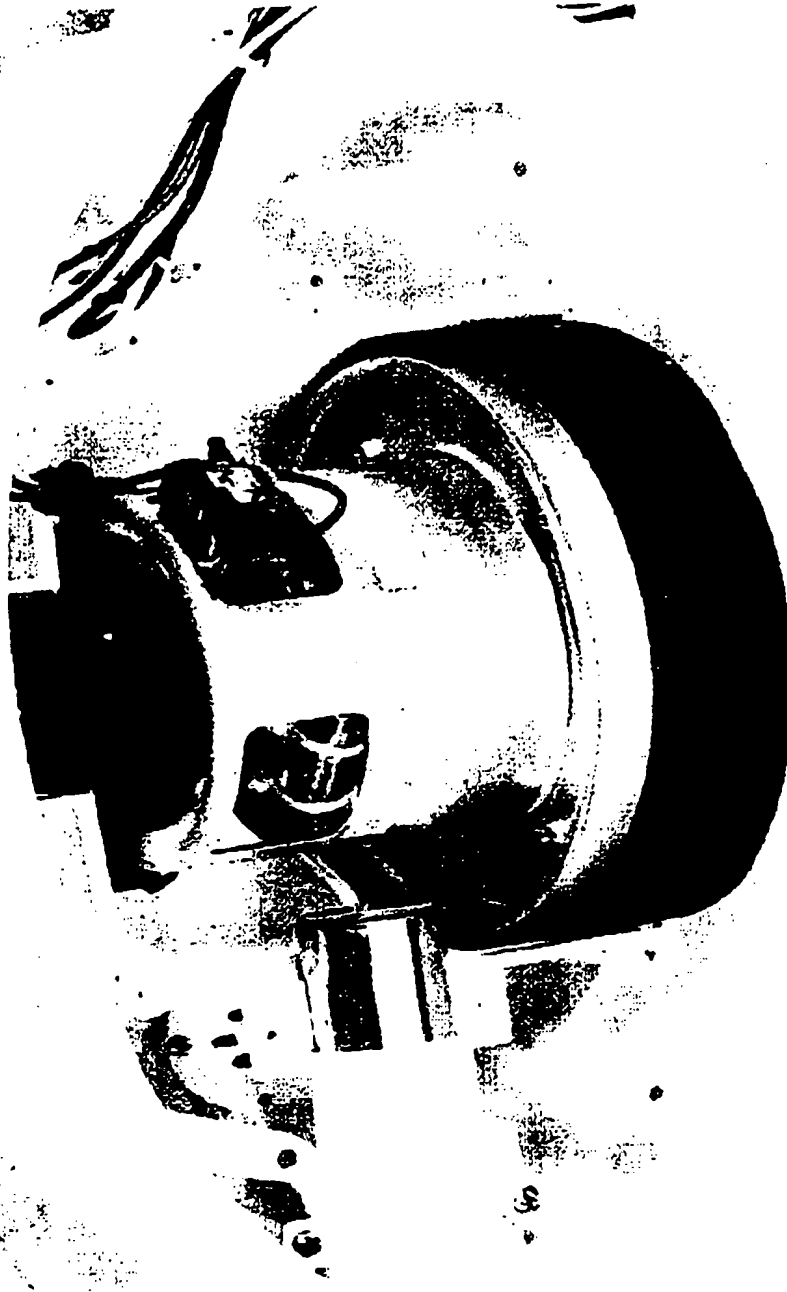
31. Optical Isolator - FPQU, Rated maximum isolation 5000 Vac.
Two provided.



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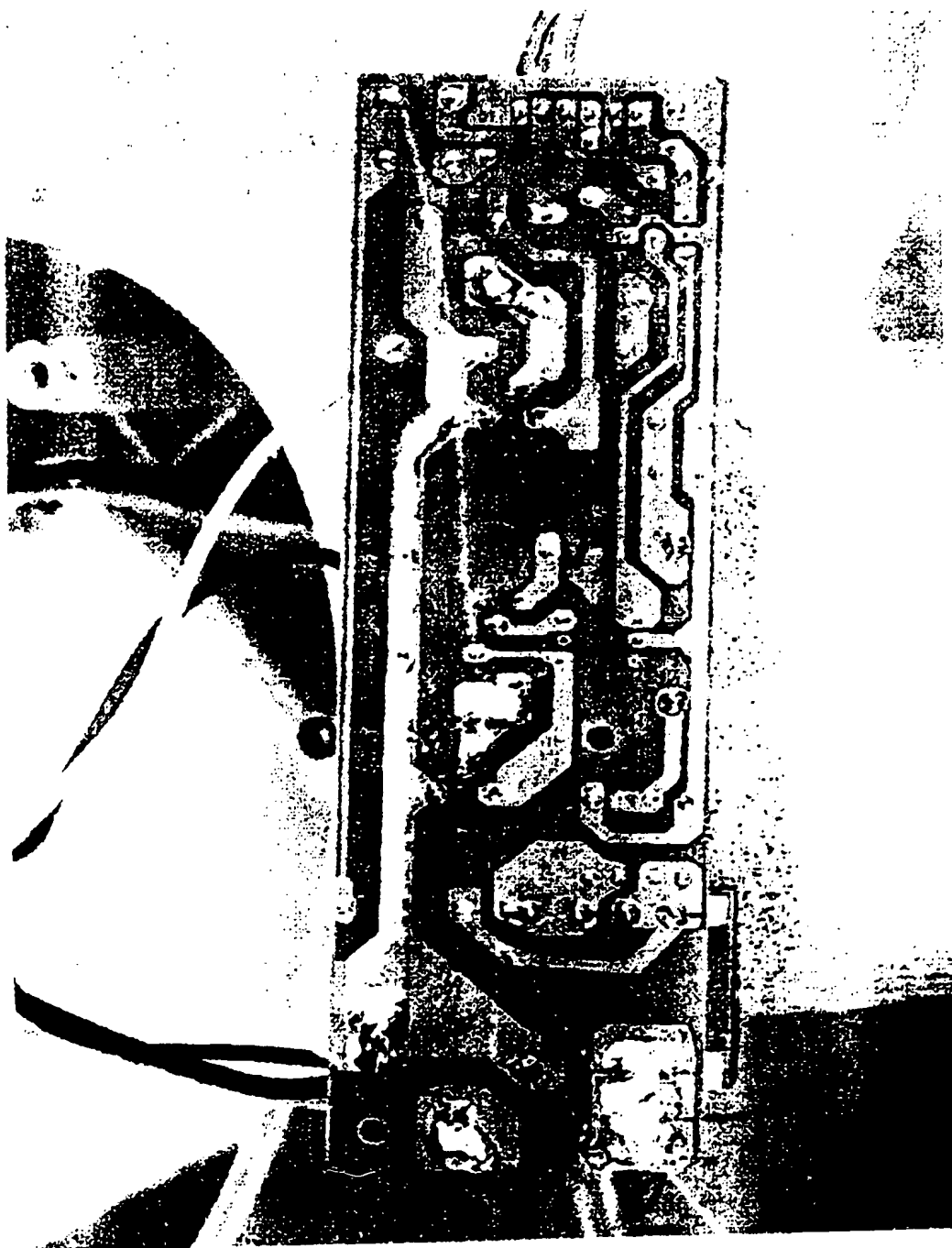
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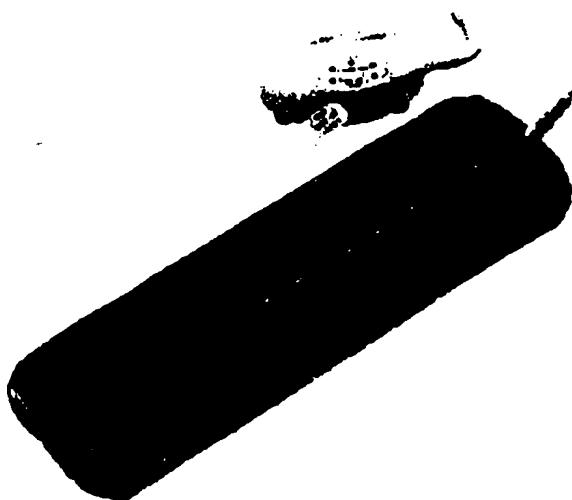
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LUXURY BATHMAT

BubbleSpa[™] Deluxe[™]

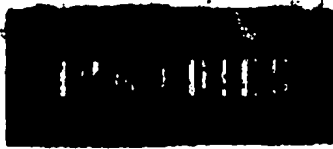


Instruction Manual and
Warranty Information

BMAT2

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Two Year Limited Warranty

HoMedics, Inc., guarantees this product free from defects in material and workmanship for a period of two years from the date of purchase, except as noted below.

This HoMedics product warranty does not cover damage caused by misuse or abuse; accidents; the attachment of any unauthorized accessory; alteration to the product; or any other conditions whatsoever that are beyond the control of HoMedics. HoMedics shall not be responsible for any type of incidental, consequential or special damages. All implied warranties, including but not limited to those implied warranties of fitness and merchantability, are limited in the total duration of two years from the original purchase date.

To obtain warranty service on your HoMedics BubbleSpa™ Deluxe Bathmat either hand deliver or mail the unit and your dated sales receipt (as proof of purchase), postpaid, along with a check or money order in the amount of \$5.00 payable to HoMedics, Inc., to cover handling.

Upon receipt, HoMedics will repair or replace, as appropriate, your Bathmat and return it to you, postpaid. Warranty is solely through HoMedics Service Center. Service of this product by anyone other than HoMedics Service Center voids warranty.

This warranty provides you with specific legal rights. You may have additional rights which may vary from state to state. Because of individual state regulations, some of the above limitations and exclusions may not apply to you.

Mail To:
HoMedics
Service Center
3800 Patton Trail
Commerce Township,
MI 48380

Email:
cservice@homedics.com

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Bubble Spa™ Deluxe is a trademark of HoMedics, Inc. or its affiliated companies.
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HOMEDICS**Transform your bath into a personal hydro spa.**

Thank you for purchasing BubbleSpa™ Deluxe Bathmat. Homedics, a leading name in the hydro spa industry, is built with high-quality craftsmanship to provide you with years of dependable service. We hope that you'll find it to be the great product of a great BubbleSpa. Use the year-round features of relaxation, massaging bubbles and optional heat designed to relax your mind and revitalize your body in the privacy and comfort of your own home. Relax. Relax. Relax.

BubbleSpa™ Deluxe Bathmat Features

- 3 Massage programs with 3 speeds
- Steady massage option with 3 strengths: low, medium or high
- Optional heat to maintain bath temperature and enhance relaxation
- 60-minute timer function
- Operate via Control Programming Unit or wireless remote control
- Self-cleaning
- Lightweight, compact and portable

IMPORTANT SAFETY INSTRUCTIONS:

When using an electrical appliance, basic precautions should always be followed, including the following:

READ ALL INSTRUCTIONS BEFORE USE

DANGER: To reduce the risk of electric shock

- Always unplug this appliance from the electrical outlet immediately after using and before cleaning.
- Do not reach for an appliance that has fallen into water. Unplug it immediately.
- Do not place or store power unit where it can fall or be pulled into a tub or sink. Do not place in or drop into water or other liquid. Store in dry place.
- Do not attempt to plug or unplug with while body is in the water.

WARNING: To reduce the risk of burns, fire, electric shock or injury to persons

- An appliance should never be left unattended when plugged in. Unplug from outlet when not in use and before plugging in or taking off parts or attachments.
- Do not operate under blanket or pillow. Excessive heating can occur.

- and cause fire, electric shock, or injury to persons.
- Close supervision is necessary when this appliance is used by, or near children, invalids or disabled persons.
 - Use this appliance only for its intended use as described in this manual. Do not use attachments not recommended by Hoshizaki.
 - Do not operate this appliance if it has a damaged cord or plug, if it is not working properly, if it has been dropped or damaged or dropped into water. Return it to Hoshizaki Service Center for examination and repair.
 - Do not carry this appliance or power unit by supply cord, or use cord as a handle.
 - Keep cord away from heated surfaces.
 - Do not block the air openings of the appliance or power unit or place it on a soft surface, such as a bed or couch, where the air openings may be blocked. Keep air openings free of fire, hair, dust, etc.
 - Do not drop or insert any object into any opening.
 - Do not operate under voltage or power. Excessive heating can occur and cause fire, electrical shock or injury to persons.
 - Do not use outdoors.
 - To disconnect, turn all controls to the "off" position, then remove plug from outlet.
 - This appliance has a polarized plug (one blade is wider than the other). The plug will fit into a polarized outlet only one way. If the plug does not fit into the outlet, reverse the plug. If it still does not fit, contact a qualified electrician to install the proper outlet. Do not change the plug in any way.
 - This appliance must be connected to 120V 60 Hz electrical supply.

SAVE THESE INSTRUCTIONS.
Caution - Please read all instructions carefully before operating.

SPECIAL WARNINGS:

- Do not insert any object, or material, into the **Subsides™** Dish or power unit.
- This unit is not a toy. Children should not use or play with it.
- Do not operate where aerosol (spray) products are being used or where oxygen is being administered.
- Always unplug the unit when not in use and when cleaning or moving the unit.
- Ensure that your hands are dry when operating the switch or removing the plug.

CAUTION CONTINUED

- Do not cover unit or power unit with any type of material while it is in operation.
- Do not use if you have sensitive skin areas or poor circulation. Use by unsensitized children or hospitalized persons may be dangerous.
- Do not use while sleeping or drowsy.
- Do not use ShuBleDips™ Dishes for more than 20 minutes.
- Indoor use only. Do not use in inflatable tube or pools.

Medical Precautions

- This unit should not be used in the following cases: Tuberculosis, lacerations and malignant tumors, hemorrhages, infections of the skin, pharynx and throat, open and fresh wounds, bruises, broken skin or varicose veins, or undischarged cell pain.
- Consult your physician if you have any questions regarding therapeutic use of ShuBleDips™ Dishes.
- Do not use on any part of the body that is anesthetized.
- Do not use on any part of the body where surgery has been performed.
- Do not use on any unexplained pain before consulting your doctor.
- If you have any concerns regarding your health, consult your doctor before using this product.

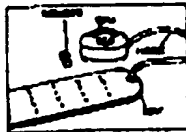


Figure 1



Figure 2

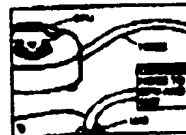


Figure 3

Installation Instructions

1. Remove ShuBleDips™ Dish from packaging and make sure all necessary components are included: Dishmat and pillow, Control Programming Unit (CPU), hose, and remote control. (Fig. 1)
2. Be sure the CPU is unplugged, and positioned on a sturdy surface where it cannot fall or be pulled into the tub, preferably the floor.
3. Place Dishmat in empty bathtub and allow cushion open to adhere to the tub surface. Hose connection area should be placed to the bathtub corner. (Fig. 2)
4. Connect hose between unit and CPU. (Fig. 3)
5. Connect small end of the electrical power cord to the left side of the CPU, fill bathtub with desired amount of water, and plug in CPU.

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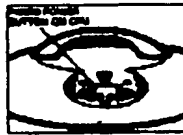


Figure 4



Figure 5

Instructions for Use

Power

- After plugging in CPU, press the POWER button on CPU panel. Corresponding power LED will illuminate. (Fig. 4)
- Each function button on CPU panel features corresponding LED which will illuminate when in use.

Remote Controls

- All programming functions may be also be utilized in a similar fashion using the remote control. However, the remote does not provide an LED illumination of selections. For battery translation, see Fig. 5.

Timer Functions

- The battery has a timer function which allows you to choose between 15, 30 or 60 minutes.
- Press the TIMER button to initiate the function, then select the desired time by pressing the TIMER button until its corresponding LED is illuminated.

Choose Bubble Massage options

- Your Subvibes™ Deluxe offers a steady manual massage with 8 strengths, or 8 program massage choices with 8 speed selections each. The speed and strength options offer low, medium or high options. Both may be increased or decreased by repeatedly pressing the SPEED or STRENGTH buttons until the desired level is selected. A selection is made which its corresponding LED is illuminated.

Manual Bubble Massage

- Press MESSAGE button on CPU. The low strength LED will automatically illuminate.
- The message speed may be increased or decreased by pressing the STRENGTH button repeatedly. The corresponding LED for each strength level will illuminate when selected.
- If desired, press the TIMER button to select a bubble massage of 15, 30 or 60 minutes. These functions may also be performed using the remote control, but LEDs are only available on the CPU.

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Program: Bubble Massage

- Press PHUHAM button on the CPU. The corresponding LED will illuminate.
- You may choose any one of 3 programs by pressing the program button until desired program is selected. The speed may be increased or decreased from low to high by pressing the SPEED button repeatedly until the desired level is selected.
- If desired, press the TIMER button to select a bubble massage of 5, 30 or 60 minutes. These features may also be performed using the remote control, but LEDs are only available on the CPU.

Optional Heat:

- For heat, press the HEAT button (after choosing the massage function). The heat function is not designed to heat bath water, but can help maintain the water temperature.

BubbleSpa Maintenance

Keep the BubbleSpa™ Deluxe clean and clear of obstructions. Check the intake area frequently for potential obstructions that could block air or water flow, including dirt and hair.

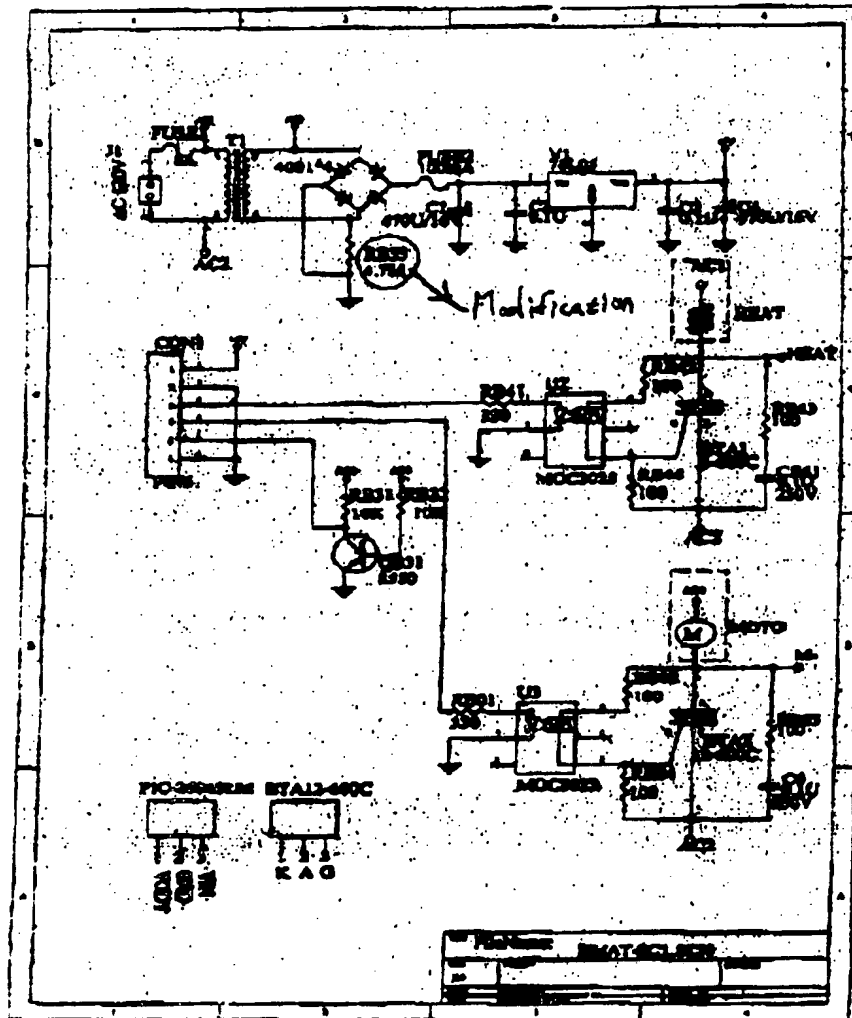
CLEANING

- Turn off the CPU power and empty bathtub.
- Unplug the CPU and disconnect the hose from the basement. Wipe the hose dry and coil for storage.
- Hang the bathtub from the shower or tub wall utilizing the suction cups on its underside. Allow it to dry completely.
- If needed, wipe down the bathtub with a soft, damp sponge and mild detergent.
Note: Do not use abrasive cleaners, brushes, gasoline, kerosene, glass/stone polish or paint thinner to clean.
- Once dry, store the CPU, basement, remote and hose in a cool, dry place.

Do not attempt to repair BubbleSpa™ Deluxe. There are no user serviceable parts. For service, send the unit to the MoMedica address listed in the warranty section.

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and Report



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